



Practitioner's Docket No. MET/7 CON

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Lauffer, Randall B., et al.
Application No.: Continuation of 08/942,989
For: Contrast-Enhanced Diagnostic Imaging Method for Monitoring Interventional Therapies
Group No.: Not yet assigned
Examiner: Not yet assigned
Filed: 9/08/2000

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OCT 03 2000

Commissioner for Patents
Washington, D.C. 20231

OFFICE OF PETITIONS

PETITION TO CORRECT CORRESPONDENCE FILING DATE
FOR "DATE-IN" INCORRECTLY ENTERED OR OMITTED
ON EXPRESS MAIL LABEL
(37 C.F.R. SECTION 1.10(d))

1. This is a petition to accord the correspondence in the above-identified application a filing date of September 8, 2000 which is the date the correspondence was deposited with the U.S.P.S. with proper postage for Express Mailing.
2. Submitted herewith is the statement of Larry A. Coury (Reg. No. 46,236) as to when the discrepancy was discovered and establishing that this petition is being filed promptly thereafter. 37 C.F.R. § 1.10(d)(1).
3. Attached are true copies of the following documents:
(1) the first page of the application as filed, showing that the Express Mail Label No. is EM390216125 US and that the number of the Express Mail was placed on the original document prior to mailing. 37 C.F.R. § 1.10(d)(2).

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. Section 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office (703) ____-____.

Date:

9/19/00

Signature

CHARLES J. SPENCER

(type or print name of person certifying)

- (2) the first page of the transmittal letter submitted with the application as filed, showing that the Express Mail Label No. is EM390216125 US and that the number of the Express Mail was placed on the original document prior to mailing. 37 C.F.R. § 1.10(d)(2).
- (3) the Express Mail receipt with the stamp from the U.S.P.S. showing both the date of mailing (September 8, 2000) and the Express Mail number EM390216125 US.
- (4) a copy of our internal mailing records showing both the date of mailing (September 8, 2000) and the Express Mail number EM390216125 US as well as the time and location of mailing:
- FDR Station Post Office
909 3rd Ave
New York, NY 10022
- (5) the postcard as received from the USPTO showing the incorrect "Date-In" of September 11, 2000.

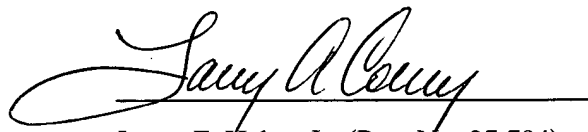
37 CFR § 1.10 (a) states:

Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the date of deposit with the USPS.

Applicants therefore assert that the above-identified application is entitled to a filing date of September 8, 2000.

4. Correction is required because of an error which applicants assert is the fault of the PTO.
5. The "Express Mail Log that came into being within one business day of the deposit of the correspondence in the 'Express Mail Post Office to Addressee' service of the U.S.P.S.", as well as the documentation listed in item 3 above, establish the showing required by 37 C.F.R. Section 1.10(d)(3).
6. The petition fee (37 C.F.R. Section 1.17(h)) is not enclosed because the applicants assert that the error is the fault of the PTO and therefore a fee is not required. However, if the Commissioner believes that a fee is required, please charge Deposit Account No. 06-1075 for any deficiency.

A duplicate of this petition is enclosed.



James F. Haley, Jr. (Reg. No. 27,794)
Hope Liebke (Reg. No. 35,588)
Attorneys for Applicants
Larry A. Coury (Reg. No. 46,236)
Agent for Applicants
c/o FISH & NEAVE
1251 Avenue of the Americas
New York, New York 10020-1104
Tel.: (212) 596-9000



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CONTRAST-ENHANCED DIAGNOSTIC IMAGING METHOD
FOR MONITORING INTERVENTIONAL THERAPIES

Technical Field of the Invention

The present invention relates to methods for contrast-enhanced diagnostic imaging. In particular, the present invention relates to methods of MRI and optical imaging which use contrast agents that target a specific tissue or tissue component and permit the monitoring of state changes in the targeted tissue (e.g., denaturation, necrosis, tissue coagulation, apoptosis) that occur during or after interventional therapy. The contrast agents used in this invention exhibit state-dependent binding to one or more components of a targeted tissue and provide a detectable change in the signal characteristics of the tissue-bound contrast agent.

Background of the Invention

Diagnostic imaging techniques, such as magnetic resonance imaging (MRI), x-ray, nuclear radiopharmaceutical imaging, optical (ultraviolet, visible and/or infrared light) imaging, and ultrasound imaging, have been used in medical diagnosis for a number of years. In some cases, the use of contrast media to improve the image quality or to provide specific information has been ongoing for many years. In other cases, such as optical or ultrasound

EM 390216125 US

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Modified PTO 1082
For A Small Entity



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Applicant(s) : Lauffer, et al.

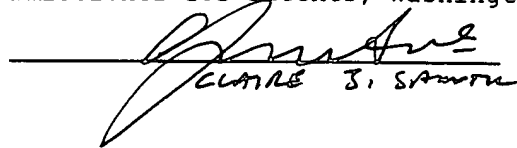
For : CONTRAST-ENHANCED DIAGNOSTIC IMAGING METHOD FOR
MONITORING INTERVENTIONAL THERAPIES

EXPRESS MAIL CERTIFICATION

"Express Mail" mailing label number EM390216125US
Date of Deposit September 8, 2000

I hereby certify that this transmittal letter and the other papers and fees identified in this transmittal letter as being transmitted herewith are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and are addressed to the Hon. Assistant Commissioner for Patents, Washington, D.C. 20231.

Commissioner for Patents
Washington, D.C. 20231



CLAIRE S. SAMSON

TRANSMITTAL LETTER FOR RULE 53(b)
CONTINUING PATENT APPLICATION

Sir:

This is a request for filing a ☒ continuation, ☐ divisional, application of pending prior Application No. 08/942,989, filed October 2, 1997.

Transmitted herewith for filing are the ☒ specification; ☒ claims; ☒ abstract; ☐ declaration; ☐ power of attorney; for the above-identified patent application.

The enclosed declaration is:

- ☐ Newly executed (original or copy).
- ☒ Copy from a prior application (37 C.F.R. § 1.63(d)).
- ☐ A signed statement is attached deleting inventors named in the prior application (37 C.F.R. §§ 1.63(d)(2) and 1.33(b)).
- ☐ The entire disclosure of the prior application, from which a copy of the declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☒ The prior application, Application No. 08/942,989, filed October 2, 1997, is assigned of record to EPIX Medical, Inc.